

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

June 1, 2004

CALL TO PODIUM:

Caroline Seiden, Planner

RESPONSIBLE STAFF:

**Trudy Schwarz, Community
Planning Director**

Caroline Seiden, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
X	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	03-31-2004
	04-07-2004
Hearing Date	04-19-2004
Record Held Open	
Policy Discussion	

TITLE:**Worksession Discussion**

Z-296 Requests rezoning of 6.58 acres of land, currently known as Parcel N182, The Summit, located at 559 Girard Street, in the City of Gaithersburg, from the existing C-2 (General Commercial) Zone to the MXD(Mixed Use Development) Zone in accordance with Section 24-196 (map amendments) of the City Code.

SUPPORTING BACKGROUND:

The applicant, Sandler at Summit, LLC, proposes to redevelop this property as an active-adult community with 240 condominium units in four- to five-story buildings with structured parking. As an active-adult community each dwelling unit is required to be occupied by at least one resident who is 55 or older.

The joint public hearing was held on this case on April 19, 2004 and the record has been held open indefinitely. Key issues discussed during the hearing included the land use and number of units, the long-term ability to restrict residents to over 19 years of age and the traffic study's comparison of anticipated residential trip generation to the trip generation of a fully tenanted shopping center.

Staff met with the applicant on May 24, 2004 at which time the applicant indicated that they would like to amend the application to include 2,500sf of office space in the first floor of a building. An illustrative plan was submitted on June 28, 2004. Staff and the applicant are seeking guidance regarding this new plan at the worksession.

Attachments:

*Index of Memoranda and exhibits received since the public hearing (signified by **bold lettering**)*
Exhibit #45

DESIRED OUTCOME:

**Receive Presentation
Provide Guidance for Staff and Applicant**

INDEX OF MEMORANDA
Z-296

No. Exhibit

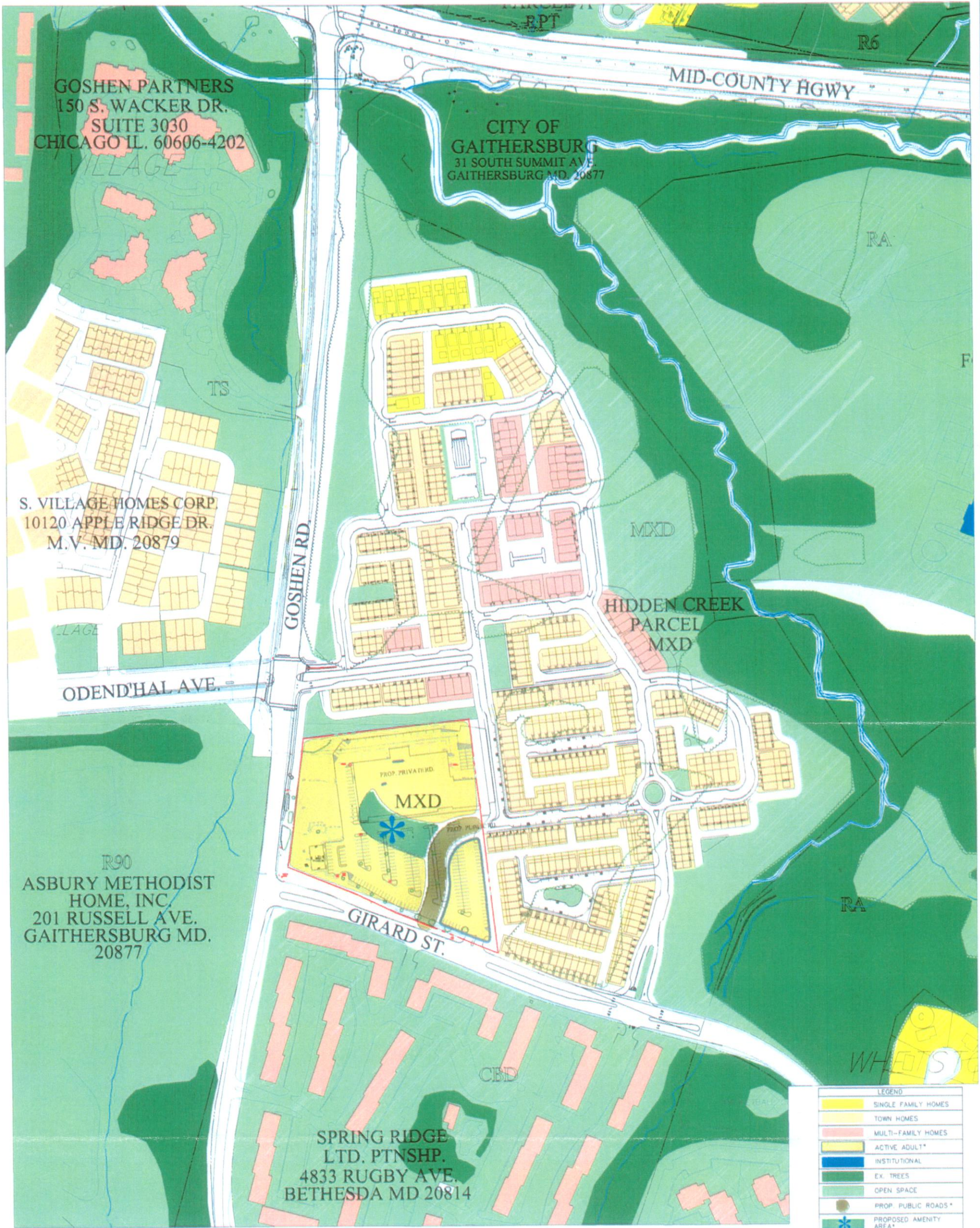
- 1) Application for Amendment to the Zoning Map
- 2) Transmittal of fax sent 3/12/2004 from R. White
- 3) Receipt for the application fee
- 4) Memorandum coversheet from Yum Yu Cheng to Ryan White Dated March 10, 2004
- 5) Cover letter to the Mayor and City Council from Barbara Sears and Yum Yu Cheng
- 6) Statement of Support of Amendment to the Zoning Map
- 7) List of Exhibits
- 8) List of the Project Team
- 9) List of Adjoining and Confronting Property Owners and two sets of mailing labels
- 10) Exhibit 1: Sketch Plan- Boundary Plan
- 11) Exhibit 2: Sketch Plan- Identification Plan
- 12) Exhibit 3: Sketch Plan- Aerial Photo
- 13) Exhibit 4: Sketch Plan- Zoning Plan
- 14) Exhibit 5: Sketch Plan- Internal and External Roads Plan
- 15) Exhibit 6: Sketch Plan- Land Use Plan
- 16) Exhibit 7: Sketch Plan- Circulation System Plan
- 17) Exhibit 8: Natural Resources Inventory/Forest Stand Delineation
- 18) Exhibit 9: Sketch Plan- Utility Concept Plan
- 19) Exhibit 10: Traffic Statement

- 20) Exhibit 10: Page 2 of Traffic Statement
- 21) Facsimile Cover Sheet from Ryan White regarding the traffic report
- 22) Letter, dated 03/16/2004, from Trudy Schwarz to Barbara Sears regarding preliminary comments concerning the application submitted 03/05/2004
- 23) Letter, dated 03/23/2004, from Barbara Sears to Trudy Schwarz regarding responses to preliminary comments
- 24) Letter, dated 03/19/2004 from Nathan Benson to Mayor Katz confirming Odyssey Development as authorized agent for Sandler at Summit, LLC
- 25) Transmittal, dated 03/23/2004 from Rodgers Associates to Caroline Seiden regarding updated zoning exhibits
- 26) Amended Exhibit 1: Sketch Plan- Boundary Plan
- 27) Amended Exhibit 2: Sketch Plan- Identification Plan
- 28) Amended Exhibit 3: Sketch Plan- Aerial Photo
- 29) Amended Exhibit 4: Sketch Plan- Zoning Plan
- 30) Amended Exhibit 5: Sketch Plan- Internal and External Roads Plan
- 31) Amended Exhibit 6: Sketch Plan- Land Use Plan
- 32) Amended Exhibit 7: Sketch Plan- Circulation System Plan
- 33) Amended Exhibit 8: Natural Resources Inventory/Forest Stand Delineation
- 34) Amended Exhibit 9: Sketch Plan- Utility Concept Plan
- 35) Letter, dated 03/29/04 from Barbara Sears to Trudy Schwarz transmitting Traffic Noise Analysis
- 36) Traffic Noise Analysis Results, March 18, 2004
- 37) Road Code Waiver Application
- 38) Letter, dated 03/23/2004 from Frank G. Bossong, Rodgers Consulting, to Mayor and Council requesting road code waiver
- 39) Letter requesting legal advertisement of Joint Public Hearing in the March 31 and April 7, 2004 issues of the *Gaithersburg Gazette*

- 40) Notice of Joint Public Hearing sent March 31, 2004 to required parties
- 41) List of all parties notified
- 42) 2003 City of Gaithersburg Master Plan Land Use Element, Map Designation 2, page 2-3
- 43) Letter dated 04/02/04 to Frank G. Bossong, Rodgers Consulting, from Caroline Seiden regarding road code waiver application
- 44) Reduced/Amended Exhibit 1: Sketch Plan- Boundary Plan
- 45) Reduced/Amended Exhibit 2: Sketch Plan- Identification Plan
- 46) Reduced/Amended Exhibit 3: Sketch Plan- Aerial Photo
- 47) Reduced/Amended Exhibit 4: Sketch Plan- Zoning Plan
- 48) Reduced/Amended Exhibit 5: Sketch Plan- Internal and External Roads Plan
- 49) Reduced/Amended Exhibit 6: Sketch Plan- Land Use Plan
- 50) Reduced/Amended Exhibit 7: Sketch Plan- Circulation System Plan
- 51) Reduced/Amended Exhibit 8: Natural Resources Inventory/Forest Stand Delineation
- 52) Reduced/Amended Exhibit 9: Sketch Plan- Utility Concept Plan
- 53) Letter dated 04/14/04 to Trudy Schwarz from Barbara Sears, Linowes & Blocher, responding to staff concerns regarding setback requirements
- 54) E-mail correspondence dated 04/16/04 to 04/19/04 between City staff and Richard Arkin
- 55) M&C Agenda Cover Sheet for April 19, 2004
- 56) Certified copy of the Notice of Public Hearing as published in the March 31 and April 7, 2004 issues of the *Gaithersburg Gazette*
- 57) E-mail, dated April 30, 2004, to Trudy Schwarz from Blanche Keller requesting previous studies for subject site
- 58) 1997 Neighborhood One Master Plan Study
- 59) Study, Casey Goshen Tract
- 60) Transcript of Joint Public Hearing, April 19, 2004
- 61) Copy of MXD Zone

62) Illustrative Plan

63) **Reduced Illustrative Plan**



* SEE SKETCH PLAN LAND USE PLAN

LEGEND	
	SINGLE FAMILY HOMES
	TOWN HOMES
	MULTI-FAMILY HOMES
	ACTIVE ADULT*
	INSTITUTIONAL
	EX. TREES
	OPEN SPACE
	PROP. PUBLIC ROADS*
	PROPOSED AMENITY AREA*
	SUBJECT SITE
	SUBJECT SITE PROPOSED ZONE

EXHIBIT 2

SKETCH PLAN
IDENTIFICATION PLAN

RODGERS
CONSULTING

Rodgers Consulting, Inc.
8260 Gaithers Road
Gaithersburg, MD 20877
301.948.4700
301.948.4256 (fax)
301.253.6689
www.rodgers.com

DATE	BY	DATE
BASE DATA	CADD	CADD
DESIGNED	R.W.	01/04
DRAWN	R.W.	01/04
REVIEWED	R.W.	01/04
RODGERS CONTACT		
RELEASE FOR		
BY	DATE	

SUMMIT AT HIDDEN CREEK

LIBER. FOLIO
ELECTION DISTRICT No.
CITY OF GAITHERSBURG, MARYLAND

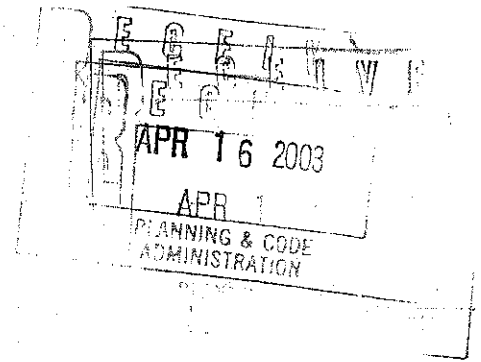
**JOINT
EXHIBIT
#45
Z-296**

Sandler at Summit - L.L.C.
By Odyssey Development Inc., authorized agent
1495 Chain Bridge Road
Suite 300
McLean, Virginia 22101
Tel. 703-748-5708
Fax. 703-748-5718
Attn: Mr. Larry Goldstein

PRELIMINARY NOT FOR CONSTRUCTION

HIDDEN CREEK - SKETCH PLAN IDENTIFICATION PLAN

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW



April 14, 2004

Barbara A. Sears
301.961.5157
bsears@linowes-law.com

Trudy M. W. Schwarz
Community Planning Director
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098

Re: Zoning Map Amendment Z-296; Sandler at Summit

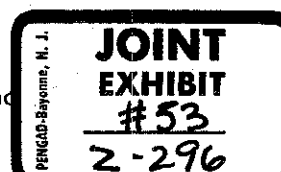
Dear Trudy:

You have requested that the Applicant review Section 24-160D.5 of the Gaithersburg Zoning Ordinance to confirm the setbacks that would be required in the MXD Zone for the 6.58-acre parcel that is the subject of the above-referenced Zoning Map Amendment (the "Property"). Specifically, you have inquired as to whether any provisions of this Section of the Zoning Ordinance would require a 100-foot setback at any point on the Property. We have concluded that none of the provisions of Section 24-160D.5 would require a 100-foot setback for the proposed development in the MXD Zone. For ease of reference, I have quoted the provisions of Section 24-160D.5 in italics and provided our analysis immediately following each quoted provision.

Sec. 24-160D.5 Compatibility Standards.

(a) All uses shall conform to the purposes of the Mixed Use Development Zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such compatibility, the following requirements shall apply:

- (1) All right-of-way requirements, setbacks, height limits, open space or buffer areas recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas shall be incorporated into all plans subject to approval under the zone.*



Trudy M. W. Schwarz
April 14, 2004
Page 2

There are no right-of-way requirements, setbacks, height limits, open space, buffer areas, or special conditions or requirements applicable to the Property recommended in the Land Use Element of the City's General Plan, which was adopted by Resolution No. R-103-03 of the Mayor and Council on December 15, 2003.

- (2) *Where setback, height limits, open space or buffer areas are not recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas, the following requirements shall be incorporated into all plans subject to approval under this zone.*
- a. *No buildings other than single-family detached dwellings shall be constructed within one hundred (100) feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than one hundred (100) feet, with the setback approved by the city planning commission.*

The properties adjoining the subject Property are zoned MXD, CBD, and R-90. This provision is not applicable to the Property because these adjoining properties are zoned MXD or commercial, or, if in a residential zoning category, are developed with other than one-family detached homes. Specifically, the property to the south is zoned CBD, and is therefore not in a residential zoning category. Further, this property is developed with multi-family garden apartments. Finally, the properties to the north and east are zoned MXD, and therefore the provision requiring a 100-foot setback does not apply.

- b. *No building proposed for commercial/employment/industrial use shall be constructed less than one hundred (100) feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.*

This provision does not apply to the Property because none of the proposed buildings are proposed for commercial, employment, or industrial use.

- c. *No building shall be constructed to a height greater than its distance from any adjoining property not zoned MXD*

Trudy M. W. Schwarz
April 14, 2004
Page 3

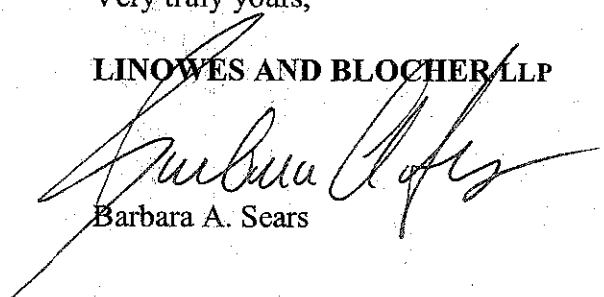
recommended for residential zoning and land use on the applicable master plan, unless the city planning commission finds that approval of a waiver of this requirement will not adversely affect adjacent property.

This provision does not deal with a setback, but rather establishes a restriction on the height of a building in the MXD Zone under certain circumstances, and would be applied at time of SDP and final site development plan. This provision limits the height of a building to be constructed in the MXD Zone by reference to the recommendations of the applicable master plan for adjoining properties. Specifically, if an adjoining property is recommended for residential zoning and land use in the master plan, the proposed building may only be constructed to a height that does not exceed its distance from such adjoining land. We note, however, that this provision, if determined to be applicable, could only potentially come into play on the west side of the Property. Under such circumstances, the height of a building on the west side of the Property would be measured from the adjoining property line of the Asbury Methodist Village property, and could not be any higher than this distance unless waived by the Planning Commission. As a practical matter, the closest that the Asbury Methodist property comes to the western edge of the Property is approximately 85 feet, a much greater distance than the height of the four- to five-story buildings that would be constructed on the Property. Moreover, the Master Plan recognizes the special nature of the development on this adjoining property. As the Asbury Methodist Village, the Master Plan adopts a "mixed residential land use designation" for the property (Master Plan, pp. 47-48). In light of the unique nature of this retirement community development and the Master Plan recommendation, the property is similar to an MXD land use, and it is therefore questionable whether this provision would apply. However, as noted above, its application has no practical effect to the height of the buildings proposed for the Property.

It is hoped that the above information is responsive to your inquiry. Should you have any questions, please feel free to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP



Barbara A. Sears

Trudy M. W. Schwarz

April 14, 2004

Page 4

cc: Steve Sandler
Larry Goldstein
David Humpton
Fred Felton
Caroline Seiden
Erin E. Girard, Esq.

Trudy Schwarz - Re: Corrected: Z-296

From: <RichardArkin@aol.com>
To: <TSchwarz@ci.gaithersburg.md.us>, <CSeiden@ci.gaithersburg.md.us>
Date: 04/19/2004 1:47 PM
Subject: Re: Corrected: Z-296
CC: <GOssont@ci.gaithersburg.md.us>, <MSmith@ci.gaithersburg.md.us>, <rarkin@cvm.fda.gov>, <cityhall@ci.gaithersburg.md.us>, <plancode@ci.gaithersburg.md.us>, <RichardArkin@aol.com>

Ms. Schwartz:

Thank you very much for your note.

I do not believe that the "sketch plan" provided by the applicant conforms to the requirements of Section 24-160D.9(a)(1), including, but not limited to, the absence of building locations, heights, and setbacks. The information provided and posted on the city website is, in my view, simply insufficient to provide a basis for the rezoning application.

In my view, it would be poor planning and poor public policy for the Mayor and Council to grant an application without any sense of what is being proposed.

It is my intention to testify at tonight's public hearing, but I would appreciate it if you would include these comments in the public record.

Thank you.

Richard L. Arkin
 121 Selby Street

In a message dated 4/19/2004 11:11:45 AM Eastern Daylight Time, TSchwarz@ci.gaithersburg.md.us writes:

Subj:Re: Corrected: Z-296
Date:4/19/2004 11:11:45 AM Eastern Daylight Time
From:TSchwarz@ci.gaithersburg.md.us
To:RichardArkin@aol.com, CSeiden@ci.gaithersburg.md.us
CC:GOssont@ci.gaithersburg.md.us, MSmith@ci.gaithersburg.md.us, rarkin@cvm.fda.gov
Sent from the Internet

Mr. Arkin:

I had a chance to review the web site and found the sketch plans are the last 6 or 7 pages of the total of 57 pages of exhibits. Although these are in black and white, the originals are in color, which allows for better clarity.

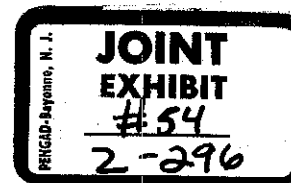
Please note that a sketch plan application must comply with Section 24-160D.9(a)(1) and sufficient information has been submitted for a public hearing. Please note that a more detailed plan is required at the time of schematic development plan (SDP) application, which would be the next step after a sketch plan review and approval.

If you have further questions, please do not hesitate to call me.

Sincerely,
 Trudy Schwarz
 >>> <RichardArkin@aol.com> 04/16/2004 10:00:22 PM >>>

Dear Ms. Schwarz and Ms. Seiden:

I've gone through the materials publishes on the City's website



for
Z-296 and cannot find a sketch plan or any plan showing concept,
roadways, etc.,
such as would be required by the Mayor and Council to make a finding
justifying
rezoning.
If those elements have been submitted, I would appreciate it if you
would
post them so the public will have meaningful opportunity to review and
make
comment and also would appreciate it if you could forward me a copy.

Thank you.

Dick Arkin

Mrs. Trudy M. W. Schwarz
Community Planning Director
Staff Liaison to the Planning Commission
Planning and Code Administration

(301) 258-6330 x119
(301) 258-6336 (fax)

31 South Summit Avenue
Gaithersburg, MD 20877-2098

tschwarz@ci.gaithersburg.md.us — <http://www.ci.gaithersburg.md.us>

The opinions expressed in this message are not necessarily those of the
City of Gaithersburg Staff, Mayor or City Council.

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

April 19, 2004

CALL TO PODIUM:

Caroline Seiden, Planner

RESPONSIBLE STAFF:

Caroline Seiden, Planner
Trudy Schwarz, Community
Development Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
x	Public Hearing Joint
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	03-31-2004
	04-07-2004
Hearing Date	04-19-2004
Record Held Open	
Policy Discussion	

TITLE:

JOINT PUBLIC HEARING

Z-296 Requests rezoning of 6.58 acres of land, currently known as Parcel N182, The Summit, located at 559 Girard Street, in the City of Gaithersburg, from the existing C-2 (General Commercial) Zone to the MXD(Mixed Use Development) Zone in accordance with Section 24-196 (map amendments) of the City Code.

SUPPORTING BACKGROUND:

The applicant, Sandler at Summit, LLC, requests the rezoning of the property located at 559 Girard Street from C-2 to MXD. The property is 6.58 acres located at the northeast quadrant of Goshen Road and Girard Street with frontage on both roads.

The applicants propose to redevelop this property as an active-adult community with 240 condominium units in four- to five-story buildings with structured parking. As an active-adult community each dwelling unit is required to be occupied by at least one resident who is 55 or older.

This property was recently included as Map Designation 2 in the recently approved City of Gaithersburg Master Plan. The Master Plan recommends retention of the Commercial-Office-Residential land use designation and also recommends a zoning change from C-2 to MXD.

Staff is recommending that the record be held open indefinitely for both the Planning Commission and the City Council to allow for a joint work session on the project. Possible dates are May 24, 2004 (should that not be needed for the Budget review) or June 14, 2004.

Attachments:

Index of Memoranda and exhibits (display size exhibits excluded)

DESIRED OUTCOME:

Both Planning Commission and City Council hold record open indefinitely

PENGAD-Beyene, H. J.

**JOINT
EXHIBIT
#55**

2-296

The Gazette N

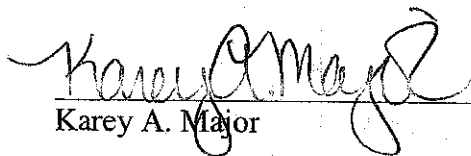
9030 Comprint Court, Gaithersburg, Maryland 208

CERTIFICATION

THIS IS TO CERTIFY THAT THE ANNEXED L
IN THE GAZETTE NEWSPAPERS FOR THE NU

Notice of Public Hearing - 4/19/04 - Z-2

Gaithersburg Publishing Company


Karey A. Major



KAREY A. MAJOR
Notary Public, State of Maryland
Prince George's County
My Commission Expires March 31, 2007

Ad Order Number: 10084617
Dates: St: 3/31/04 End: 4/7/04 Ins: 2

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on Z-296, filed by Odyssey Development Inc., for Sandler at Summit, LLC, on

MONDAY
APRIL 19, 2004
AT 7:30 P.M.

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

This application requests rezoning of a 6.58-acre parcel, currently known as the Summit Shopping Center (Parcel N182), located in the northeast quadrant of Goshen Road and Girard Street at 559 Girard Street, in the City of Gaithersburg, from the existing C-2 (General Commercial) Zone to the MXD (Mixed Use Development) Zone, in accordance with §24-196 of the City Code (Map Amendments). The property is adjacent to the Hidden Creek Land Bay II development and proposed to be developed as 240 condominium units in 4- to 5-story buildings with structured parking.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

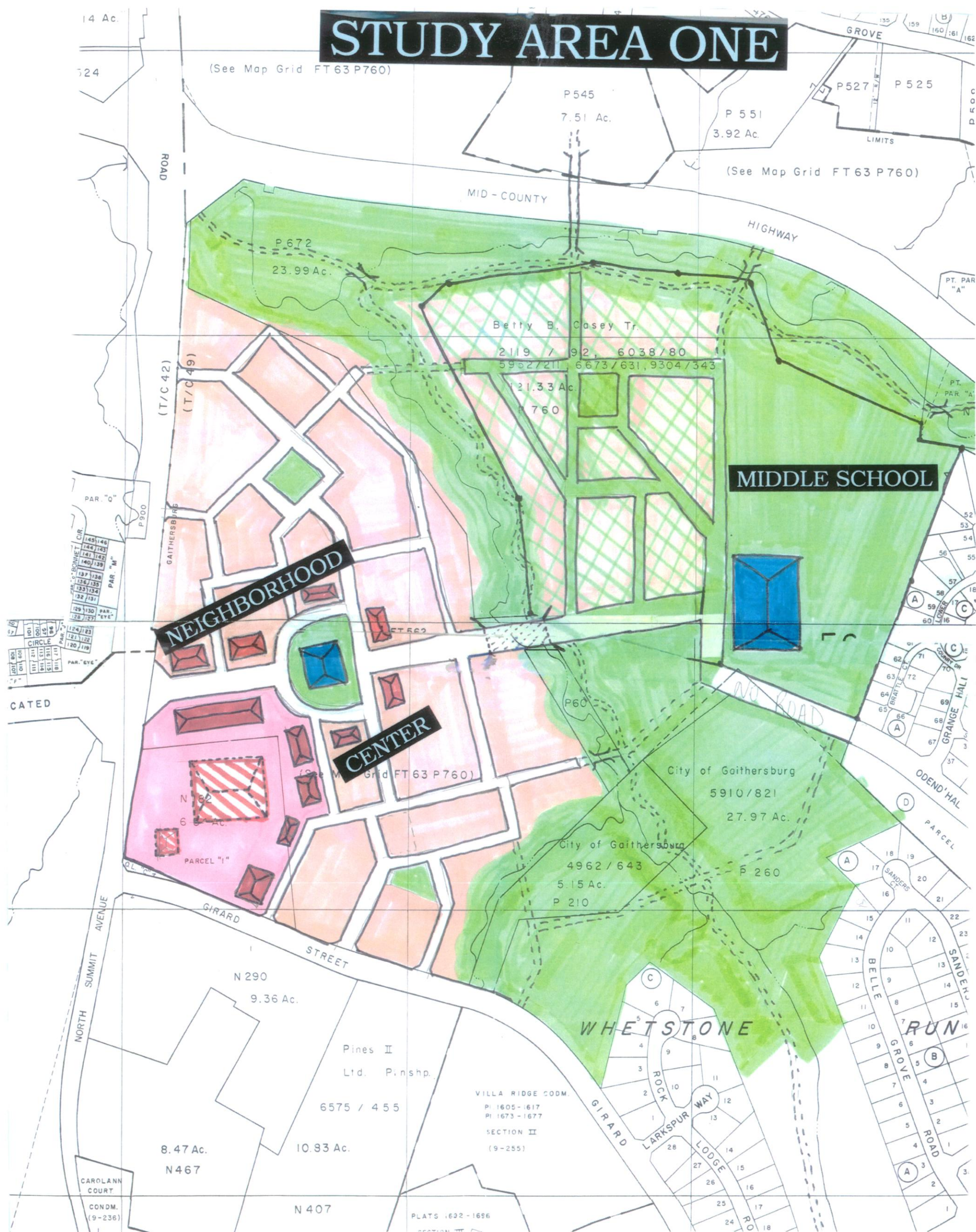
Caroline Seiden, Planner
Planning and Code Administration

10084617

(3-31, 4-7-04)



STUDY AREA ONE





Trudy Schwarz - Girard Street/Goshen Road site

From: "BKeller911" <BKeller911@comcast.net>
To: "TRUDY SCHWARZ" <tschwarz@ci.gaithersburg.md.us>
Date: 04/30/2004 12:15 PM
Subject: Girard Street/Goshen Road site
CC: "DANNY WINBORNE" <danny_winborne@fanniemae.com>, "JOHN BAUER" <john.bauer@marriott.com>, "LENNY LEVY" <lenilevi@yahoo.com>, "VICTOR HICKS" <veh@vhsh.com>

Trudy -

As I recall, there was a plan a few years ago for the site at Girard Street/Goshen Road that now houses the defunct Giant to redo this site as a shopping center.

Would you mind to pull this old plan and provide the Planning Commission with copies. Also, could we have staff make a presentation on the history of this site, including the poster board showing the prior plan to redo this site as a shopping center.

Thanks,
Blanche



TRANSCRIPT OF
JOINT PUBLIC HEARING

ON

Z-296

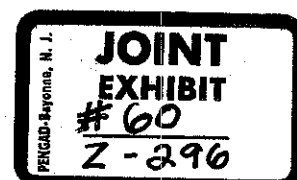
Application Request to Rezone a 6.58-Acre Parcel, Currently
Known as the Summit Shopping Center (Parcel N182),
Located in the Northeast Quadrant of Goshen Road and
Girard Street at 559 Girard Street, in the City of Gaithersburg,
From the Existing C-2 (General Commercial) Zone to the
MXD (Mixed Use Development) Zone, in Accordance With
§24-196 of the City Code (Map Amendments). The Property
is Adjacent to the Hidden Creek Land Bay III Development
and Proposed to be Developed as 240 Condominium Units in
4- to 5-Story Buildings With Structured Parking

BEFORE THE
CITY OF GAITHERSBURG
MAYOR AND CITY COUNCIL
AND
PLANNING COMMISSION

ON

APRIL 19, 2004

Transcribed by
Doris R. Stokes



PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Somerset
Council Member Alster
Council Member Edens
Council Member Marraffa
Council Member Schilchting

PLANNING COMMISSION

Chair Keller
Vice Chair Bauer
Commissioner Levy
Commissioner Winborne

Absent: Commissioner Hicks

CITY ATTORNEY

Cathy G. Borten, Esq.

CITY MANAGER

David B. Humpton

STAFF

Caroline Seiden, Planner
Trudy Schwarz, Community Development Director

SPEAKERS FROM THE PUBLIC

Barbara Sears, Esq., Linowes and Blocher
Chantal Preuninger, 4 Sanders Court
Richard Arkin, 121 Selby Street

Katz Tonight we have three public hearings. The first one is a joint public hearing. And with that if we can please have Caroline Seiden please introduce this.

Seiden Good evening. This is a public hearing on zoning text amendment Z-296. The hearing was duly advertised on March 31 and April 17, 2004 in the *Gaithersburg Gazette*. At the present time, there are fifty-three (53) exhibits in the record file. They are referenced in an exhibit list in the file. The individual exhibits may be reviewed during the course of the meeting or in the Planning and Code Administration Office during regular business hours at City Hall. Any objections to the receipt of any exhibit should be noted prior to the closing of the record; otherwise they will be deemed received in evidence. This application requests rezoning of 6.58 acres of land currently known as Parcel N182, The Summit, located at 559 Girard Street, from the existing C-2 Zone to the MXD Zone in accordance with Section 24-196 of the City Code. The property is adjacent to the Hidden Creek Land Bay III development and proposed to be developed as 240 condominium units in four to five story building with structured parking. Barbara Sears from Linowes and Blocher is here to make a presentation about the text amendment. Thank you.

Katz Thank you.

Sears Thank you Caroline. My name is Barbara Sears and I'm with the law firm of Linowes and Blocher and I am representing the applicant which is Sandler at Summit L.L.C. The property as indicated is about 6½ acres of land. It was part of the original property that was annexed in as what you have seen over the last several years as Hidden Creek I, II, and III. And this property is proposed in the zoning application for a continuation of the MXD Zone. And we have made this request in order to permit 240 condominium units that would be age restricted. It would be four to five stories in height. Sandler at Summit LLC recently purchased the property,

so they are the fee owner of this property. And Steve Sandler and Larry Goldstein, who is with me tonight, are development partners in the entity that is the ownership. Now both of these gentlemen, I think the Council and Planning Board also had exposure to during the Hidden Creek activities, rezoning and the like. The property as it exists right now has 55,300 square feet of commercial development. It is a strip center and it is in pretty bad condition as far as the need for redevelopment. It has only of the 55,000 square feet, only approximately 8,500 are actually occupied. And I think you are all familiar with formally the Giant having been there and some failed options with the grocery and right now, that's dark. We believe that the residential development, which is, it would be age restricted and it would be fee ownership, would fulfill an important need not only in the county, but in particular in Gaithersburg. And it would comply with the recordation and themes of your recently adopted Master Plan. We have not submitted a detailed schematic development plan or site plan along with our sketch plan, but our sketch plan has set the most important parameters to allow you to make the decisions on the MXD application. For instance, the maximum height of the units four to five stories. The fact that they would be age restricted which would be 55 years or older. The fact that they would have an ownership form in a condominium structure and also, the road connection that I would address in just a moment. So in this regard, we believe that the application applies with Section 24-160D.9(a) for sketch plans of the MXD Zone. I would like to touch on a few of the findings that the Council and the Planning Commission need to make in order to have this application approved. One of those is that they need to make sure the application complies with the purposes and objectives of the MXD Zone. Now we have reviewed these in writing in our application. I won't repeat them all, but I do want to touch on the Master Plan because I know you recently went through it and had different recommendations. In particular, we believe that this application very well implements the land use of density recommendations of the newly adopted plan. First, it is not a special study area so there are

not special study recommendations. But the recommendations for the site, found at page 46, call for a rezoning from the C-2 to the MXD. It allows commercial office or residential or a mix. And it speaks of providing for additional housing opportunities and we feel that the age restricted fee ownership nature of this community would provide that opportunity. And it talks about possible live-work units and office as being appropriate, but not exclusive. I want to point out that Mr. Goldstein actually did have a contract on this property, approximately about three years ago when Hidden Creek I, II, and III were being considered. He, working with other experts in the field on retail and live-work type of units, found that there really was not a sufficient market for this on this site in order to make it successful. And I think the community wants a successful project. So he let that contract expire. He then has been able to come back and purchase the property in order to pursue this opportunity. And when you think about it, given the property and the size it is 55,000 square feet, all you would be able to get for a new commercial center of a equivalent type, would be at a FAR .25 about 71,000 and then today's grocery stores are just about all of that. So this appears to be a particularly good and well suited use for the property. Again, the Master Plan speaks of additional access. The access (walking towards the presentation boards), this is the site of course and the sought of a mustard color is the land use of the restricted units. This area in the dark brown is a public street that we will continue. I think this is Singing Water Way that is the new road in Hidden Creek. And the road going up to the north south, up to Oden'hal is called Frogs Leap Way. I didn't name them (laughter). There is a parking easement that is adjacent to this Frogs Leap Way and that easement did not allow Frogs Leap to be made into a full width public street. The applicants in this case, actually escrowed some money with the City to be able to widen this and to connect it into the shopping center if the shopping center redeveloped. So this would allow the parking easement to be released. It would allow the road, Frogs Leap to be widened and made a proper connecting road and it would allow another access into and

out of the site. So it accomplishes those goals of the Master Plan. Then I did want to touch also on pedestrian safety. That is another concern to have and this site does provide an excellent opportunity to also connect in, and I will have Mr. McCary point to that, connect into the green trail that was dedicated and will be constructed as part of Hidden Creek. And that will be accessible through both the communities. And if this particular community is developed, will be able to walk into the Hidden Creek community, will be able to walk through the green trail, will be able to walk down to Olde Towne, and it isn't too far walk, I think its about a 7-10 minute walk. So it has a lot of accessibility and walk ability. Then finally, this application would promote the themes of the Master Plan which were also recently adopted as part of that plan by the Mayor and Council. And on page 11 of the Master Plan, it speaks, I want to highlight a few of the orderly and managed redeveloped of aging areas that ensure continues stability in the City. And we really believe that this does that for the property that very much needs it. On page 26, the housing, the theme that adding to the range of housing choices. And this will definitely do that. And even though its multi-family, it needs objected B under that theme that encourages, multi-family can be used. And when the Mayor and Council feel that it is appropriate to encourage redevelopment and is a condominium form of ownership, of course we need that. It also helps in turns of the term of the theme, in terms of the City and the Board of Education, assuring the adequate school capacity since there will be no school age children. And as we had indicated in our papers to qualify under the Federal Housing for Older Persons Act, you must, in other words not to accept families into your project. You must have a minimum of 80 percent limited to a resident of 55 or older. And then there will also be a covenant on the property drafted in accordance with this law that would restrict residents from being under 19 years old. So between the two, you will be able to achieve no school age children. So I think that the Master Plan and the Themes and the purposes are very adequately met in this application. Finally, the proposal is served by adequate public

facilities, an important element for your consideration. The traffic impact is actually an improvement. Although, the traffic study shows only 13 more peak hour trips in the a.m., there is less trips in the p.m., 141 trips less in the p.m. from the retail square footage that is there now. The water and sewer utilities all exist at the site. There are no problems with extending any of these to the site. There is no school impact as I indicated and it completes the road system as was the thought of the City in Hidden Creek III. Environmental enhancements, there are also several of those. The redevelopment allows the large stormwater management pond that functions well, but slightly unsightly on the property, to be removed and to be put underground. And in doing that and redevelopment, it will also be brought up to current City and State standards. It also will create as you can see from the different maps and plans; the site is almost totally paved. So it is up to the stormwater management. So it allows us, actually to revitalize the site with more green area, more open space, and more plantings. So on all these causes, we believe, or all these elements, we believe that this application is a good fit and does meet all the purposes of the zone and is in the public interest. And we would ask you to consider it favorably. And certainly, we have all of our project team here if you have any questions whatsoever.

Katz Thank you very much. Any questions for Ms. Sears?

Edens I have one. On the traffic study, the comparison between the proposed uses of the existing commercial use, was that based on the total square footage or the actual occupied square footage?

Sears It was based on the total squared footage, because we could re-tenant that without doing anything. And we did consult with Mr. Mumpower before preparing this statement.

Katz Ok. Any other questions?

Somerset Yes I have a couple of questions. One which is about the traffic study. Also, it look to me as if it were based on a national standard for a center of that square footage, rather than on a count of the traffic at the site.

Sears That is correct. It was based on the ITE (Institute of Transportation Engineers) rates for retail centers of that nature.

Somerset But presumably, this is not a typical center. It is a closed or failed center. Is that not right?

Sears That's correct, but I think....

Somerset So at the present time, in actual fact, the retail traffic is not what will be represented from that chart presumably. If it weren't, it probably would be successful right?

Sears Well, it would either be successful or a lot lower. One or the other. So I think that was I believe Ms. Edens question, which was the basis of comparison. They would have the right to re-tenant that. So the basis of comparison and the traffic consulting world and in the world of traffic reviewers is to take the ITE rates and say ok, of a center of that size, if it were occupied, what would it have. Because that's what you would have a right to do. So that was the basis of the comparison. I don't think anybody wishes it to stay in a failed situation.

Somerset But in terms of the traffic and actually saying that 240 condominiums would put less traffic on the road than is there. That is not quite the case. In terms of actual cars on the road that has not been measured, because this center is not functioning. So we can't really say to anybody, to the community or anybody else that 240 condominiums will put fewer cars on the road, than a closed shopping center. I'm not saying that I want the

shopping center to close. I'm just talking about the traffic comparison as a representation that's being made.

Katz In actual numbers, I know what you are saying Ann. In actual numbers, that fact that its 20 percent lease, obviously has a great significantly lesser number of traffic. But if they were to get a food store again, then I would think that, which was there three times, then the amount of traffic would be much greater than it is today.

Marraffa You have to compare what would happen if it were a successful shopping center.

Katz (inaudible) successful, but at lease if it were leased.

Somerset Well if someone was going to make it successful, they haven't done it, right. I mean in terms of looking at just representing the fact as they are and saying to people whether you will have.....if you are looking out your window or driving on that road today, it does not reflect the number that is in the national standard book. It reflects a different status quo. And I just wanted to make sure what we are talking about is, we are talking about the facts. This theoretical condo development, they say would produce less traffic at some theoretical retail development that does not exist there now.

Katz That is correct. But as an example, when Giant Food was there, there is a reason Giant Food left. And that is because they were not successful there as was the other two grocery stores.

Somerset Well, that is a different question.

Katz Well, it is, but it isn't. If they can get another grocery store to go there, it would certainly be a much higher traffic count than what is there today. I

mean a grocery store has 100's of people go to it every hour of the successful ones, with traffic.

Somerset The other question I have is about the 55 or older percentage. I want to understand that. If, I think you said that the Federal law requires 80 percent of residents to be 55 or older?

Sears It requires 80 percent of a resident in the unit, so our binding element has that you can be 55 or older to live there, you can be a spouse of somebody 55 or older, or you can be a resident care-giver to assist an adult that is 55 or older. Those are all within the standards that are commonly accepted as being 55 or older age restricted that allow you to discriminate, if you will, because that is the word that is used, against accepting families with children.

Somerset Right. So is it every single unit would have to have at least one person who is 55 or older and 80 percent of the total residents had to be 55 or older.

Sears Yes, that's correct.

Somerset Alright. So that is something you can actually count the body signing on the ownership papers. Somebody is counting and checking birth certificates to make sure that 80 percent of the people living there are 55 or older?

Sears Federal law requires proper enforcement actions to be taken. There are proper review actions to be taken so that these things are done. The condominium documents will also have to carry that through and as I said, we intend to also place a covenant against the property that we deal with the remainder of the school issue so that people 19 or over, under 19

could live there. And that would be done also to comply with the Federal law.

Somerset So, you're living there and your kid bombs out of college, they can't come home and live with you.

Katz If they are under 19 they cannot. If they are older they can.

Sears Again I don't want to go back to this, but on the traffic, these buildings are physically there. So that's one thing that you need to appreciate. The other thing you need to appreciate, just in general, the traffic study derived rates for the 55 and older age restricted that indicate about a little more than a third of the generation in the peak hours than a normal unit. And that was derived from comparable type of age restricted entities or communities. So the impact of this type of unit verses nothing, versus the regular unit is much, much less.

Somerset Is the assumption that these people of age 55 are retired?

Sears No. In fact what often you will see is they are not, but what they are is that they are not in the same stream, or they don't have the same characteristics of the work force that's a 9 to 5. And then as they age, of course, so they are outside....if they work, often times, they are part-time or they are working as consulting or they are doing things that don't put them in the same characteristic vote as the normal less than 55 person.

Somerset Ok. Those are my questions. Thanks.

Katz Any other questions?

Winborne I wanted to follow-up on Council Member Somerset's question about the age thing. With the current trend in America where grandparents wind up

raising the grandchildren, can you talk a little bit about you might button up the school age children ending up in some of these.

Sears It is my understanding that the covenant really prohibits being a resident. Now they can come and visit for a limited period of time. I can get the detail; in fact we can submit a proposed covenant if that would help.

Winborne But I'm just thinking about temporary situation where, there's a situation where grandchild may need to come and stay with grandparents. And then they would need to be in a school situation.

Sears Well, they may have to come to stay and other arrangements have to be made. These communities are choices and they have restrictions. Unless you enforce those restrictions, you are going to run a foul at the Federal law. So, they are not something that we are going out on a limb and creating. There are something that exists and in fact, in order to be able not to accept families, you must have a minimum of 80 percent.

Winborne And I was addressing a situation that may arise. And I just thinking that we need to at least discuss those kinds of things where there may be a situation that might arise and that might present itself to the community.

Sears Well, I am standing here tonight and I am not aware of any exceptions to this, but I think the best thing to do is to probably submit you a proposed covenant to see so that you can kind of get comfortable with the kind of thing that I'm talking about and I can give you something that complies with the law.

Winborne Ok.

Katz Go ahead.

Levy Is there any advantage to the developer to be in compliance with the Federal Housing for Older Persons Act other than the fact that they can then discriminate against families from being able to live with the residents.

Sears Well, it is my understanding that they couldn't create this kind of community unless they were in conformance. Beyond that, I don't know one way or the other.

Levy Are there any Federal funding for anyone building this kind of development?

Sears Not that I am aware of, but I really don't know one or the other on that. I wouldn't imagine so. I think it's just that discrimination type law.

Levy Ok. Also, you told Council Member Somerset, you responded to her question and I'm looking at your response here and they seem to agree. You said in your response to Schwarz that it is permissible to discriminate against families with children as long as a minimum of 80 percent of the units are occupied by at least one resident who is 55 years of age or older. And I thought what you told Ann was that 80 percent of the residents had to be 55 or older. So that doesn't seem to.....

Sears No, 80 percent of the units had to be occupied by a resident...

Katz That is different from what you said. I sure you didn't mean to say that way.

Sears Yes, 80 percent of the units had to be occupied by a resident, or you have to be a spouse or you have to be caregiver for a resident that is 55 or older. I think that was the complete answer.

Levy Ok.

Somerset And 20 percent does not have to be.

Sears And that is where the covenant comes in to play in order to keep you school consistent and that's where the traffic examination of these communities all have the same set of rules and regulations.

Katz So you are saying that regardless of whether there is someone under 55 living in an apartment unit, still no one under 19 could live there.

Sears Yes. And the comparisons on the traffic are based on the comparable communities so they should be in sync with what I am saying.

Katz Thank you very much.

Sears Thank you.

Katz This is a time that the Mayor and Council hear from anyone who would like to speak on this public hearing topic. We ask that you please keep your remarks to no more than three minutes and I would advise you when you have 30 seconds left of your three minutes so that you can begin to finish your statement. Please note that any additional testimony that you might have can be submitted to the City in written form and will be a part of the record just as your oral testimony. Please state your name and address for the record. Do we have anyone who would like to speak on this topic? Please.

Preuninger Chantal Preuninger, 4 Sanders Court. I like the restriction age, but I am wondering why that was not possible at Hidden Creek and that would be possible there. And why work so hard to decrease density at Hidden

Creek and put it right back next door. When you are 55 or older and you are still working, you might have two persons working in each unit, so you might still be two headed (inaudible), multiplied by two (inaudible). I would like to see the shopping center stay. We need the grocery store that use to be there. (inaudible). I'm wondering what will happen when people living in those units die, who would get the unit. The units would probably go back to their family, so would there be an age restriction, what would happen.

Katz Barbara did you want to address that?

Sears The condominium documents would provide carry the same restrictions on the sale. So you would have to have the same qualifications.

Arkin Thank you Mr. Mayor, Madam Chair. Richard Arkin, 121 Selby Street. I have to say as I am listening to the conversation about age restriction and discrimination, I'm getting more and more uncomfortable. I think the world is a little different, 55 year olds as I can attest to personally, do work 9 to 5 jobs or 9 to 10 p.m. jobs. That is much more common than the leisure life of the golden years that one enjoys in a perhaps Florida type leisure world communities. And I could assure you that if a parent has a child who is under 19 and bombs out of college and comes home, they are not going to turn them away. The law be darn. I respectfully suggest that there is insufficient material in the file to justify a rezoning in this case. You don't have building elevations, you don't have setbacks. It really doesn't conform with the purpose of the MXD Zone. It's not mixed used. The assertions of how it fits the purposes of the mixed used zoned are not support, they are just bold assertions in the application. It is not what is called for in the Master Plan. It is just 240 condo units. More dense suburban residential next to an already dense suburban residential. This was the area that was suppose to provide some sort of commercial entity or mixed used entity to be a center point for the Hidden Creek

development should it be acquired by the Hidden Creek partners rather than just a higher density extension of Hidden Creek. I would suggest that basically what the Mayor and Council and Planning Commission are being asked to do in this case is divide a pig in a (inaudible). I think you need more information in order to make a rational decision to see whether or not this application or any similar application fits the mixed use purpose of the MXD Zone. And fits the higher design requirements of the MXD Zone which are two of the key elements.

Katz Thank you. Anyone else in the audience please? I'm seeing no one? Ok. What is the please of the Planning Commission?

Keller We've been asked to hold our record open indefinitely?

Katz Yes.

Keller Do I have a motion?

Levy I move that the Planning Commission hold its record open indefinitely on Z-296.

Bauer Second.

Keller All in favor?

Commission Ayes.

Keller Motion passes 4-0.

Katz I have a feeling that the Mayor and Council are going to have to keep their record open indefinitely as well. Do I have a motion?

Marraffa Mr. Mayor, I move that we keep the record open on Z-296 indefinitely.

Alster Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes.

Katz Opposed? Carries unanimously (5-0). Our record is open indefinitely as well. Thank you very much for being with us.

END OF JOINT PUBLIC HEARING
Z-296

Signs, in accordance with city sign regulations.

Trade, artistic and technical schools.

Accessory buildings and uses.

Telecommunications facilities located entirely within an existing structure or located on the rooftop of an existing structure other than a single-family dwelling unit, subject to the requirements of section 24-167A(C)(1).

(Ord. No. O-1-85, 3-4-85; Ord. No. O-17-93, 11-15-93; Ord. No. O-21-97, 11-17-97)

Sec. 24-160B. Special exception uses.

The following uses are permitted in the E-2 Zone as special exceptions upon approval by the board of appeals in accordance with the provisions of section 24-189:

Art or cultural centers.

General offices.

Hospitals.

Private clubs.

Public utility buildings and public utility structures.

Radio and television broadcasting stations, towers and accessory structures.

Recreational or entertainment establishments, commercial.

Service organizations.

Telecommunications facilities, subject to the requirements of section 24-167A(C)(2).

(Ord. No. O-1-85, 3-4-85; Ord. No. O-21-97, 11-17-97)

Sec. 24-160C. Development standards and requirements.

All uses in the E-2 Zone shall comply with the development standards and requirements set forth in section 24-152 through and including section 24-160, inclusive of this Code. Provided, however, the Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.

(Ord. No. O-1-85, 3-4-85; Ord. No. O-3-99, 1-19-99)

Sec. 24-160D. Reserved.

DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENT

Sec. 24-160D.1. Purposes and objectives of zone.

It is the objective of this zone to establish procedures and standards for the implementation of master plan land use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design

and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories. The specific purposes of this zone are:

- (a) To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual multi-use center development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.
- (b) To encourage orderly, staged development of large-scale comprehensively planned, multi-use centers by providing procedures for various zoning and plan approvals, including development phasing.
- (c) To encourage design flexibility and coordination of architectural style of buildings and signage.
- (d) To ensure the integration and internal compatibility of applicable residential and nonresidential uses by providing a suitable residential environment that is enhanced and complemented by commercial, recreational, open space, employment and institutional uses and amenities within all land use components of the multi-use project.
- (e) To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and to provide a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures.
- (f) To encourage the efficient use of land by: locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use and encouraging pedestrian and other nonvehicular circulation systems; retaining and providing useable open space and active recreation areas close to employment and residential populations; and providing for the development of comprehensive nonvehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.
- (g) To provide a superior natural environment by the preservation of trees, natural topographic and geologic features, wetlands, watercourses and open spaces.
- (h) To allow development only in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

This zone and any accompanying development plan(s) may be approved upon findings that the application is proper for the comprehensive and systematic development of the city, is

capable of accomplishing the purposes of this zone, is an internally and externally compatible form of development and is consistent with the applicable master plan, special conditions within such plan relating to the property under consideration, and other applicable planning and land use policies. In order to enable the city council or the city planning commission to evaluate the conformance with the standards contained herein and elsewhere within Division 19, specific sets of plans shall be submitted in accord with section 24-160D.9, and the city council and/or the commission, as authorized pursuant to this Division 19, may approve said plan(s) if they find the plans capable of accomplishing the above purposes and in compliance with the standards and requirements of this zone.

(Ord. No. O-11-88, 11-7-88)

Sec. 24-160D.2. Minimum location and development requirements.

(a) *Master plan.* No land shall be classified in the Mixed Use Development Zone unless the land is within an area for which there is an approved and adopted master plan which recommends mixed use development for the land which is the subject of the application, or unless the proposed development otherwise satisfies the purposes and objectives of the MXD Zone. Approval of the MXD Zone for land which is not recommended for this zone in an approved master plan shall require the affirmative vote of four (4) members of the city council.

(b) *Minimum area.* No land shall be classified in the Mixed Use Development Zone unless it contains a minimum of ten (10) acres. Parcels or tracts less than the minimum acreage may be permitted if they are contiguous to an existing MXD zoned area and may be harmoniously integrated into the MXD area, consistent with the objectives and purposes of this zone.

(c) *Location.* Such land shall be located adjacent to and readily accessible from existing or planned highways that are in an approved construction program and are adequate to service the proposed development. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.

(d) *Public water and sewer.* No development shall be permitted unless served by public water and sewer.

(e) *Signage.* Signage shall be coordinated between adjoining uses and be thematic in approach, in accord with the purposes of this zone and overall character of the surrounding area.

(f) *Frontage on public streets.* Anything to the contrary notwithstanding in any regulation in this Code, lots in this zone shall not be required to have direct access to a public street provided that such condition will promote the creation of affordable housing, or will be designed in such a way as to foster the purposes and objectives of this zone, provided that satisfactory access to a public street is provided over private rights-of-way.

(Ord. No. O-11-88, 11-7-88; Ord. No. O-16-90, 8-6-90; Ord. No. O-3-93, 3-1-93)

Sec. 24-160D.3. Uses permitted.

(a) *Residential.* All types of residential uses allowed by right or by special exception in Chapter 24 of this City Code shall be permitted, as well as all accessory uses thereto.

- (1) The various residential housing types must be planned and constructed in accordance with recommendations and special conditions, if any, of the approved and adopted master plan.
- (2) The location and type of all residential uses proposed on the site must be shown on the plans submitted in accordance with the requirements of section 24-160D.9 and Article V of this chapter, with the level of specificity increasing at each level of plans review.
- (3) Residential uses should be a prominent element in any Mixed Use Development Zone where the applicable master plan specifically recommends that residential development is to be an integral component of a proposed multi-use project.
- (4) Residential uses may be mixed with proposed commercial/industrial/employment uses, rather than located in a separate residential area on the site, upon a finding by the city council that combining residential and nonresidential uses at one location, within a site, will not adversely affect the overall development proposed.
- (5) A lot intended for use for a single-family attached or detached dwelling unit may contain both a principal dwelling unit and an urban cottage, under the following restrictions and conditions.
 - (i) Maximum floor area of an urban cottage shall be one thousand two hundred (1,200) square feet in size.
 - (ii) Maximum height of an urban cottage shall be two and one-half (2½) stories or thirty (30) feet.
 - (iii) There shall be not more than one urban cottage per lot.
 - (iv) Parking for an urban cottage shall be determined in accordance with section 24-219(b).
 - (v) Urban cottages shall be counted toward the maximum number of dwelling units permitted in an MXD zoned development, if such a maximum number is specified in an approved sketch plan, schematic development plan or final site plan in accordance with the following formula:

*Unit Size**Dwelling Unit Count*

0 to 699 square feet
700 to 899 square feet
900 to 1200 square feet

0.25/DU
0.50/DU
0.75/DU

ZONING

(vi) In addition to compliance with all applicable city codes and regulations including, but not limited to, those dealing with buildings, fire safety, health and sanitation, property maintenance and rental housing licensing, the construction, occupancy and use of urban cottages shall be controlled by the following restrictions:

- (aa) At least one dwelling unit on a lot containing an urban cottage shall be occupied by an owner of the lot.
- (bb) There shall be only one cooking facility in an urban cottage.
- (cc) Occupancy of an urban cottage shall be in accordance with the following schedule:

<i>Unit Size</i>	<i>Maximum Number of Occupants</i>
0 to 699 square feet	2
700 to 899 square feet	3
900 to 1200 square feet	4

(b) *Commercial/employment/industrials.* All uses allowed by right in the R-B, C-B, C-1, C-2, C-3, E-1 and I-3 Zones are permitted uses. All uses allowed by special exception in the R-B, C-B, C-1, C-2, C-3, E-1, E-2 and I-3 zones shall be special exception uses in the MXD Zone and subject to approval by the City Board of Appeals¹. Designation of a use as a special exception in any of the zones listed herein shall mean the use is a special exception in the MXD Zone, notwithstanding the fact that such use may be allowed as a permitted use in any other zone referred to in this subsection (b). The following uses are specifically prohibited:

Adult-oriented business

Automobile paint and body repair shops.

Body piercing establishments

Drive-in theaters.

Hotel, extended stay.

Manufacture, compounding, and processing of goods or articles.

Pawnshops

Tattoo parlor

- (1) The approximate location and general type of commercial, employment and industrial uses proposed on the site must be shown on sketch plan and schematic development plan submitted in accord with section 24-160D.9 and Article V, with the level of specificity increasing at each level of plans review.
- (2) In order to establish an appropriately mixed character within the entire MXD zoned area, the following percentages of floor area proposed on site as shown on a sketch plan shall not exceed:

Retail commercial	60%
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GAITHERSBURG CITY CODE

Employment/office 65%

Other commercial/institutional 15%

Individual percentages may be exceeded by approval of the city council upon application by an applicant and for good cause shown; provided, however, the cumulative total of all categories shall not exceed one hundred (100) percent.

(c) *Bed and breakfast.* Bed and breakfast subject to the requirements contained in section 24-167B.

(d) Telecommunications facilities are permitted by special exception subject to the requirements of section 24-167A(C)(2).

(Ord. No. O-11-88, 11-7-89; Ord. No. O-12-89, 9-5-89; Ord. No. O-17-93, 11-15-93; Ord. No. O-21-97, 11-17-97; Ord. No. O-9-02, 11-4-02; O-15-02, 12-16-02)

¹ Amusement centers in the MXD Zone shall not be required to comply with the standard of subsections (1), (2) and (3) of section 24-144(a) of this Code.

Sec. 24-160D.4. Density and intensity of development.

(a) *Residential.*

(1) The residential density in the MXD Zone shall not exceed the residential density or total number of dwelling units stated in the applicable master plan, if any. The total number of dwelling units and the corresponding overall density, as well as the approximate location of such units, shall be established at the time of sketch plan approval pursuant to section 24-160D.9(a).

(b) *Commercial/employment/industrial.* The commercial/employment/industrial density in the Mixed Use Development Zone shall be compatible with any gross floor area or floor area ratio recommended in the applicable area master plan or special conditions or requirements, if any are stated therein. The maximum density of commercial/employment/industrial development shall be based on the area shown for commercial/employment/industrial uses on the sketch plan or schematic development plan, and shall not exceed a floor area ratio of 0.75; provided, however, that any land zoned to the MXD category prior to January 1, 1991, and any land not exceeding twelve (12) acres in size incorporated into such acreage zoned MXD prior to January 1, 1991, shall have a floor area ratio not to exceed 1.5.

(Ord. No. O-11-88, 11-7-88; Ord. No. O-5-91, 3-11-91)

Sec. 24-160D.5. Compatibility standards.

(a) All uses shall conform to the purposes of the Mixed Use Development Zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such compatibility, the following requirements shall apply:

(1) All right-of-way requirements, setbacks, height limits, open space or buffer areas recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas shall be incorporated into all plans subject to approval under the zone.

ZONING

§ 24-160D.5

- (2) Where setback, height limits, open space or buffer areas are not recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas, the following requirements shall be incorporated into all plans subject to approval under this zone.
 - a. No buildings other than single-family detached dwellings shall be constructed within one hundred (100) feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser

setback. In all other situations, setbacks from adjoining properties may be less than one hundred (100) feet, with the setback approved by the city planning commission.

- b. No building proposed for commercial/employment/industrial use shall be constructed less than one hundred (100) feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.
- c. No building shall be constructed to a height greater than its distance from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan, unless the city planning commission finds that approval of a waiver of this requirement will not adversely affect adjacent property.

(b) Telecommunications facilities in residential MXD Zones must be enclosed in existing structures.

(c) Compliance with these requirements shall not in and of itself be deemed to create a presumption of compatibility.

(Ord. No. O-11-88, 11-7-88; Ord. No. O-21-97, 11-17-97)

Sec. 24-160D.6. Minimum green area, landscaping and amenity requirements.

(a) The amount of green area, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion of a mixed use development shall be not less than forty (40) percent of the total area shown for residential use. The minimum green area requirement, which shall include designated parks, public and private open space, active and passive recreational areas, for the commercial/employment/industrial portion of a mixed use development shall be not less than twenty-five (25) percent of the total area devoted to commercial/employment/industrial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the city council determines that such amenities or facilities are sufficient to accomplish the purposes of the zone, and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.

(b) All recreation areas, facilities and amenities, and all open space and landscaped areas shall be reflected on the final site plans for approval by the city planning commission. With respect to such areas, facilities and amenities, the site plan or accompanying documents shall reflect:

- (1) That such areas, facilities or amenities shall not be constructed, converted or used for any purposes other than reflected and designated on the site plan unless amended by consent of the city planning commission.
- (2) A staging or construction timetable specifying the construction of all recreational areas, facilities and amenities. This staging or construction timetable may be related to the number of residential units under construction or complete, or population levels,

or other appropriate standard. The adherence to the performance of such timetable shall be secured by appropriate bond, letter of credit or security acceptable to the city. Subsequent to the completion of work, the city manager is authorized to declare as abandoned and forfeited, any cash bond posted pursuant to a requirement of this chapter, and relinquish proceeds thereof to the general treasury of the city, when after giving the applicant or permittee who posted the cash bond thirty (30) days written notice first by registered mail, and if unclaimed by first-class mail, such applicant or permittee fails to request of the city the return of the cash bond. Upon failure to request of the city the return of the cash bond, as provided herein, the applicant or permittee, its successors, heirs and assigns relinquish all claim to said cash bond.

- (3) A detailed plan with copies of proposed supporting covenants to be filed among the land records prior to the issuance of building permits for each phase of development, which shall enumerate the property owner's and all successors' obligations for perpetual maintenance of all common areas, green space, recreation areas, facilities and amenities, and all common landscaped areas.

(Ord. No. O-11-88, 11-7-88; Ord. No. O-13-95, 7-24-95)

Sec. 24-160D.7. Public facilities and utilities.

(a) A mixed use development should conform to the facilities recommended for the site by the approved and adopted master plan, including granting such easements or making such dedications to the public as may be shown thereon or as shall be deemed necessary by the city to ensure the compatibility of the development with the surrounding area and to assure the ability of the area to accommodate the uses proposed by the application.

(b) All utility lines in the Mixed Use Development Zone shall be placed underground. The developer or subdivider shall ensure final and proper completion and installation of utility lines. Poles and lamps for street lighting shall be provided by the developer in accordance with the approved site plan.

(c) All streets to be dedicated to public use shall be shown on the schematic development plan and the final site plan, respectively. All private streets and alleyways shall also be shown on the schematic development plan and the final site plan, but they will only be allowed where they are found to be more appropriate due to the type and density of development or other applicable factors. All private streets and alleyways are to be constructed to the same width and road code standards as are applicable to public streets unless waivers of any street standard or road code requirement are granted by the council as part of the schematic development plan review or by separate public hearing.

(d) An applicant for approval under the MXD Zone shall demonstrate at the time of filing a schematic development plan, and at time of site plan approval that all public facilities are either presently adequate to service the development requested for approval or will be provided or in place by the completion of construction of the development reflected in the schematic development plan. It is the intent of this provision that development shall be staged in such a manner as to coordinate development with the provision of public facilities, and that such facilities shall be operational at acceptable service levels and capacities.

(e) All public facilities to be provided by an applicant shall be secured at the time of receipt of building permits by a bond or other financial security satisfactory to the city to ensure completion. The city may require as part of site plan approval, written agreements, either secured or unsecured, to be executed to ensure satisfactory completion of all public facilities and project amenities. Subsequent to the completion of work, the city manager is authorized to declare as abandoned and forfeited, any cash bond posted pursuant to a requirement of this chapter, and relinquish proceeds thereof to the general treasury of the city, when after giving the applicant or permittee who posted the cash bond thirty (30) days written notice first by registered mail, and if unclaimed by first-class mail, such applicant or permittee fails to

request of the city the return of the cash bond. Upon failure to request of the city return of the cash bond, as provided herein, the applicant or permittee, its successors, heirs and assigns relinquish all claim to said cash bond.

(Ord. No. O-11-88, 11-7-88; Ord. No. O-13-95, 7-24-95)

Sec. 24-160D.8. Parking requirements.

Off-street parking shall be provided in accordance with Article XI of this chapter, except as may be authorized below:

- (a) The council, at the time of schematic development plan review, shall determine the appropriate approximate number of spaces. At the time of final site plan approval, the commission shall determine the final number of spaces, based upon considerations of safety, convenience, pedestrian and vehicular circulation, and added landscaping within parking lot areas. In addition, the planning commission may reduce the number of spaces required for any use in Article XI, section 24-219(b) of this Code where such reduction will meet the purposes of the MXD Zone.

(Ord. No. O-11-88, 11-7-88)

Sec. 24-160D.9. Application and processing procedures.

Procedures governing the application for the MXD Zone and approvals necessary to seek building permits shall be subject to the following multistep process:

(a) *Application for the MXD Zone and sketch plan approval.*

- (1) An applicant shall file, together with the prescribed application fee, an application for the MXD Zone pursuant to the provisions of section 24-196 of this Code, and in addition, shall submit for approval as part of the application for separate approval, a sketch plan reflecting at a minimum, the following:
 - a. The boundaries of the entire tract or parcel.
 - b. Generalized location of existing and proposed external roads and adjacent land use and development.
 - c. Generalized location and description of various internal proposed land use components, including information as to proposed densities and intensities, proposed size and heights of development.
 - d. Generalized location, description and timing of proposed roads, proposed dedicated public lands and perimeter setback or buffer areas.
 - e. Proposed phasing or staging plan of development, public facilities and information regarding such plan's consistency with provision of master planned or otherwise necessary public facilities.
 - f. Generalized area of woodlands, streams and watercourses and other areas intended for natural preservation, as well as an approved forest stand delineation, as defined in Chapter 22 of this Code, and required by section 22-7 thereof.

- g. Demonstration of general compliance with any master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.
- (2) The city council and city planning commission shall conduct a public hearing(s) on the application subject to the notification procedures in section 24-196 of this Code. Such hearings may be held jointly by the city council and city planning commission. The planning commission shall deliver its recommendation to the city council within thirty (30) days of the close of the commission's hearing record. The council shall take action on the application within ninety (90) days after the close of the council's hearing record. If the council shall fail to do so, the application shall be deemed denied.
- (b) *Application for schematic development plan approval.*
 - (1) A schematic development plan shall be filed for approval by the city council of all or portions of the area zoned MXD and reflected within the approved sketch plan, together with the required filing fee. The schematic development plan shall be scaled at one inch equals fifty (50) feet and shall contain, at a minimum, the following:
 - a. Boundary survey and identification plat or survey plat.
 - b. The use(s) of all buildings and structures within the schematic development plan area, as well as existing uses of adjacent property external to the MXD zoned area and proposed uses within adjoining MXD zoned areas.
 - c. The location, height, approximate dimensions and conceptual elevations of all buildings and structures, and the setbacks and densities and/or square footage thereof.
 - d. The location of points of access to the site and all public and private roads, pedestrian and bike paths.
 - e. The location and setbacks of parking areas.
 - f. Existing topography, including:
 - 1. Contour intervals of not more than two (2) feet;
 - 2. An approved forest stand delineation and forest conservation plan, as defined in Chapter 22 of this Code, and required by section 22-7 thereof.
 - 3. One-hundred-year floodplains;
 - 4. Other natural features, such as rock outcroppings and scenic views;
 - 5. Utility easements, if any; and
 - 6. Historic buildings, structures or areas.
 - g. All landscaped areas, proposed conceptual screen planting, open spaces, plazas, malls, courts, community identification signage, recreation and amenity areas.
 - h. Proposed phasing or staging plan of development and information relating to such plan's consistency with the provision of public facilities.

- i. Demonstration of general compliance with any master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.
 - j. A proposed covenant or other form of agreement indicating how the area will be included in any homeowner's association or other organization, and how any open space, community space or amenities located within the area subject to review will be perpetually maintained.
- (2) Unless a prior waiver is obtained from the city planning commission, a schematic development plan shall contain at a minimum at least two hundred (200) dwelling units and/or one hundred thousand (100,000) square feet of proposed retail/office development, or a comparable equivalent mix of such development. This restriction shall not apply to amendments of schematic development plans.
- (3) The city council and city planning commission shall conduct a public hearing(s) on the application subject to the notification procedures in section 24-196 of this Code. Such hearings may be held jointly by the city council and city planning commission. The planning commission shall deliver its recommendation to the city council within thirty (30) days of the close of the commission's hearing record. The council shall take action on the application within ninety (90) days after the close of the council's hearing record. If the council shall fail to do so, the application shall be deemed denied.
- (4) The approval of a schematic development plan shall substitute for preliminary site plan approval.
- (c) *Final site plan review.* Following approval of a schematic development plan, an applicant shall submit to the city planning commission a final site plan for approval, which shall be in accord with the approved schematic development plan and shall include the following:
 - (1) All information and documentation required pursuant to section 24-169 of this Code.
 - (2) Proposed phasing or staging plan of development and information regarding such plan's consistency with the provision of public facilities.
 - (3) Demonstration of general compliance with any master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.
 - (4) Demonstration of compliance with the approved schematic development plan.
 - (5) A proposed covenant, suitable for filing in the land records of Montgomery County, which shall indicate in specific language that the property which is the subject of the application is restricted in its use and/or development standards to the schematic development plan and any accompanying or qualifying text material submitted with such plan, as such plan may be approved or modified by the planning commission at the time of final site plan review. The covenant to be

filed in the land records shall also indicate that such restrictions shall be in effect until such time as the property may be rezoned, at which time such restrictions shall be removed.

- (6) A site plan enforcement agreement to be signed by the applicant and the city, requiring the applicant to execute all of the features shown on the site plan and the sequence and timing when said features will be completed. The commission may require that performance of the terms of the agreement be secured by a bond, letter of credit or other security acceptable to the city. Subsequent to the completion of work, the city manager is authorized to declare as abandoned and forfeited, any cash bond posted pursuant to a requirement of this chapter, and relinquish proceeds thereof to the general treasury of the city, when after giving the applicant or permittee who posted the cash bond thirty (30) days written notice first by registered mail, and if unclaimed by first-class mail, such applicant or permittee fails to request of the city the return of the cash bond. Upon failure to request of the city return of the cash bond, as provided herein, the applicant or permittee, its successors, heirs and assigns relinquish all claim to said cash bond.

Approvals, processes, procedures and amendments to site plans shall be in accord with Article V of this Chapter 24 of the Code.

(Ord. No. O-11-88, 11-7-88; Ord. No. O-15-91, 7-1-91; Ord. No. O-23-92, 12-7-92; Ord. No. O-13-95, 7-24-95)

Sec. 24-160D.10. Findings required.

(a) The city council shall approve MXD zoning and the accompanying sketch plan only upon finding that:

- (1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and
- (2) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and
- (3) The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.

(b) The city council shall approve a schematic development plan only upon the finding that:

- (1) The plan is substantially in accord with the approved sketch plan; and
- (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and
- (3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and

- (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and
- (5) That existing or planned public facilities are adequate to service the proposed development contained in the plan; and
- (6) That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and
- (7) That the plan, if approved, would be in the public interest.

(c) The city planning commission shall approve a final site plan consistent with the findings required in sections 24-170 and 24-170A of this Code, and upon considerations, determinations and powers set forth in section 24-171 of this Code. The city planning commission shall, as a condition of its approval, require the posting of all necessary bonds or other security instruments, the execution of required agreements, and recording of covenants.
(Ord. No. O-11-88, 11-7-88)

Sec. 24-160D.11. Procedures for amendment.

Amendments to a sketch plan or schematic development plan may be permitted, consistent with the procedures for amendment of optional method plans as provided in section 24-198(c) of this Code.

(Ord. No. O-11-88, 11-7-88)

Sec. 24-160D.12. Regulations adopted as part of sketch plans.

(a) The city council may adopt as part of a sketch plan in the MXD Zone, all or portions of any proposed regulations, rules or standards specific and unique to the application under consideration.

(b) Such rules, regulations and standards may apply to:

Building/structure setbacks and lot coverage;

The location and type of accessory buildings and structures;

Type and nature of accessory uses;

Appearance of buildings and structures, configuration of building elements and type of building materials.

Provided however, no such rules, regulations and standards shall exceed any maximum development standard or be less than any minimum development standard or permit any use otherwise prohibited in the MXD Zone. All owners of property subject to the sketch plan and their assigns shall be notified of such rules, regulations and standards at the time of taking title to property located within the sketch plan area or as otherwise provided in subsection (c) below.

(c) The provisions of this section shall apply to any existing sketch plan previously approved by the city council for the MXD Zone which contains such rules, regulations and standards.

(d) No person, firm or corporation may violate any such rules, regulations or standards and any such violation shall be enforceable by the city and subject to such enforcement and penalties provided by sections 1-9 through 1-11 inclusive of this Code.
(Ord. No. O-22-97, 12-1-97)

Sec. 24-160D.13. Traditional Neighborhood Design (TND) option.

In addition to the procedural requirements contained in this division, the Traditional Neighborhood Design (TND) option should be used as a guide for development within this zoning category, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.
(Ord. No. O-3-99, 1-19-99)

Editor's note—Ord. No. O-3-99, adopted Jan. 19, 1999, set out provisions pertaining to the traditional neighborhood design option. To maintain the numeric sequencing of this Code, these provisions have been included as § 24-160D.13 at the discretion of the editor to read as herein set out. See the Code Comparative Table.

DIVISION 20. H-M ZONE, HOTEL-MOTEL

Sec. 24-160E.1. H-M Zone, purposes.

It is the purpose of this zone to provide sites for hotels and motels adjacent to, and directly or indirectly accessible from, major highways or limited access freeways. It is intended that adequate access be available to such sites so that traffic is not required to pass through a one-family residential area in order to reach the entrance to the hotel or motel. It is intended that the H-M Zone be located so as not to have an adverse impact, from traffic or other factors, on the surrounding neighborhood. It is further the purpose of this zone to locate hotels and motels in areas of the city where major business, commercial, industrial or governmental activity creates the need for lodging for transient visitors. It is intended that this zone be used only on tracts which are planned for commercial, industrial or high-density residential uses. This zone is not intended for use on tracts which are planned for the C-B, commercial buffer zone, or the C-1 Zone. In addition, this zone is not intended for use on tracts whose immediate surroundings are predominantly one-family residential.
(Ord. No. O-2-91, 2-19-91)

Sec. 24-160E.2. Uses allowed.

(a) The following uses are permitted uses in this zone:

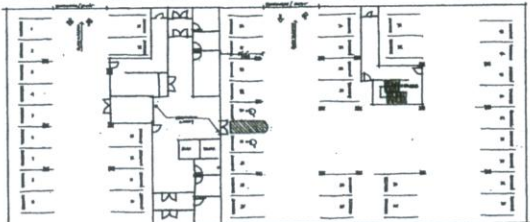
Accessory buildings and uses.

Banks and financial institutions.

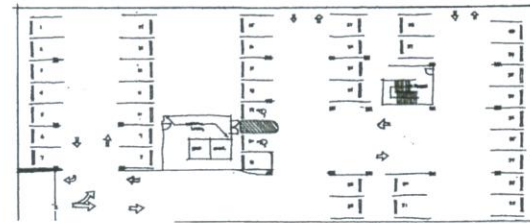
Bed and breakfast subject to the requirements contained in section 24-167B.



GARAGE UPPER LEVEL N.T.S.



GARAGE LOWER LEVEL N.T.S.



VICINITY MAP
SCALE: 1" = 1500'

Notes:

1. FINAL INTERNAL ROAD SYSTEM TO BE DETERMINED AT THE TIME OF SCHEMATIC DEVELOPMENT PLAN.
2. FINAL ALIGNMENT AND EXTENT OF INTERNAL PUBLIC ROAD TO BE DETERMINED AT TIME OF SCHEMATIC DEVELOPMENT PLAN.
3. ALL SIDEWALKS TO BE CONCRETE AND CONSTRUCTED 5' FT. IN WIDTH.
4. FINAL LOCATION AND EXTENT OF THE COMMUNITY AMENITY SPACE TO BE DETERMINED AT THE TIME OF SCHEMATIC DEVELOPMENT PLAN.
5. APPLICANT WILL RELEASE RECORDED PARKING EASEMENT LOCATED AT THE EASTERN BOUNDARY OF HIDDEN CREEK TO FACILITATE THE CITY'S PLAN TO WIDEN FROGS LEAP LANE AND TO ALLOW CONNECTION OF SINGING WATERS LANE TO THE PROPOSED PUBLIC ROAD ON THE PROPERTY.
6. AT THE TIME OF SCHEMATIC DEVELOPMENT PLAN, ADJUSTMENT OF THE BOUNDARIES OF LAND USE DISTRICTS SHALL BE PERMITTED TO ACCOMMODATE ROADWAY LOCATIONS AND UNIT DESIGNS.
7. OCCUPANCY OF A DWELLING UNIT IS RESTRICTED TO THE FOLLOWING:
 - > AN ADULT WHO IS 55 YEARS OF AGE OR OLDER;
 - > THE SPOUSE OR COMPANION OF AN ADULT WHO IS 55 YEARS OF AGE OR OLDER; OR
 - > A RESIDENT CARE GIVER, IF NEEDED TO ASSIST AN ADULT WHO IS 55 YEARS OF AGE OR OLDER.
8. APPLICANT WILL PROVIDE THE REQUIRED MIN. 40% GREEN AREA.
9. FOOTPRINT, NUMBER OF BUILDINGS, AND LAYOUT OF THE BUILDINGS AND AMENITIES AS SHOWN ARE ILLUSTRATIVE ONLY AND MAY BE MODIFIED AT TIME OF SCHEMATIC DEVELOPMENT PLAN.
10. A TOTAL OF 2,500 S.F. OF OFFICE USE MAY BE INTEGRATED INTO THE FIRST FLOOR OF A BUILDING.*

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REVISION	DATE	REVISION	DATE	REVISION	DATE

CONTRACT OWNER:
Odyssey Development, LLC
1495 CHAIN BRIDGE ROAD, STE. 300
McLean, VA 22101
PHONE: 703-748-5708
CONTACT: Mr. Larry A. Goldstein

ILLUSTRATIVE PLAN



Rodgers Consulting, Inc.
5200 Gallier Road
Gaithersburg, MD 20877
301.948.4700
301.948.6256 (fax)
301.293.6809
www.rodgers.com

BY	DATE
BASE DATA	CADD XXXX
DESIGNED	XXXX XXXX
DRAWN	XXXX XXXX
REVIEWED	XXXX XXXX
RODGERS CONTACT:	
RELEASE FOR	
BY	DATE

SUMMIT AT HIDDEN CREEK

ELECTION DISTRICT No. 2
MONTGOMERY COUNTY, MARYLAND

SCALE:	1"=50'
JOB No.	742A4
DATE:	05/24/04
SHEET No.	1 OF 1